

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: BUDEPRION XL	:	
MARKETING & SALES LITIGATION	:	MDL No. 2107
	:	

THIS DOCUMENT APPLIES TO:	:	09-md-2107
ALL ACTIONS	:	
	:	

SCHEDULING ORDER

AND NOW, this 6th day of **July, 2010**, upon consideration of the parties' case management proposals, it is hereby **ORDERED** that:

1. Counsel for all parties are strongly encouraged to resolve discovery disputes by themselves. In the event a discovery dispute requires court intervention, the parties shall first seek a telephone conference with the Court before filing any motion.¹
2. The stay of discovery contained in Paragraph 6d of this Court's Case Management Order No. 1, dated December 9, 2009, is **LIFTED**.
3. The parties shall make their supplemental initial fact disclosures by **Thursday, July 15, 2010**.
4. The Court shall conduct a status conference on **Tuesday, September 7, 2010** at

1. All requests for action by the Court shall be by motion, *see* FED. R. CIV. P. 7(b), except for routine requests, which may be by letter to the Court with copies to all parties, indicating in such a letter whether the other parties consent to the request. The parties must submit courtesy copies of pleadings and/or motions. Responses to all motions are due within the period prescribed by Local Rule 7.1(c). Court permission, by motion, is required before a party files a reply to a response to any motion. Any reply brief is limited to the issues raised in the response, and may not raise theories or issues not discussed in the original motion. Briefs accompanying motions and responses to motions are limited to twenty-five pages absent leave of Court.

10:30 a.m. in Courtroom 13B.

5. All fact discovery shall be completed by **Friday, January 14, 2011.**
6. Plaintiffs' motion for class certification shall be filed on or before **Monday, January 31, 2011.**²
 - a. Defendants' response to Plaintiffs' motion for class certification shall be filed on or before **Friday, February 18, 2011.**
 - b. Plaintiffs may file a reply, not to exceed ten pages, on or before **Monday, February 28, 2011.**
7. The parties shall simultaneously exchange expert reports by **Thursday, March 31, 2011.**
8. The parties shall exchange rebuttal expert report, conduct expert discovery, and complete expert discovery on **Friday, April 29, 2011.**
9. Any *Daubert* motion(s) shall be filed on or before **Friday, April 29, 2011** and any responses shall be filed within the time permitted under Local Rule of Civil Procedure 7.1(c).
10. Any motions for summary judgment shall be filed on or before **Wednesday, May 25, 2011.**³ Responses to any motions for summary judgment shall be filed on or before **Friday, June 17, 2011.** A reply may be filed on or before **Friday, June 24, 2011.** Briefs in support of motions for summary judgment and responses shall

2. The Court will not entertain multiple motions for class certification.

3. For claims arising under state law, counsel must brief the basis for choosing the applicable law, or submit a stipulation signed by all parties that the law of a particular state applies.

not exceed twenty-five pages absent leave of court. Replies shall not exceed ten pages. Motions for summary judgment and responses shall be filed in the form prescribed below, specifically:

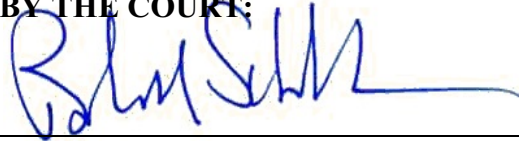
- a. The movant shall file, in support of the motion for summary judgment, a Statement of Undisputed Facts which sets forth, in numbered paragraphs, all material facts which the movant contends are undisputed.
- b. The respondent shall file, in opposition to the motion for summary judgment, a separate Statement of Disputed Facts, responding to the numbered paragraphs set forth in the movant's Statement of Undisputed Facts, which the respondent contends present a genuine issue to be tried. The respondent shall also set forth, in separate numbered paragraphs, any additional facts which the respondent contends preclude summary judgment.
- c. All material facts set forth in the Statement of Undisputed Facts filed by the movant shall be admitted unless controverted by the opposing party.
- d. Statements of material facts in support of or in opposition to a motion for summary judgment shall include specific and not general references to the parts of the record which support each of the statements. Each stated fact and each statement that a material fact is disputed shall cite the source relied upon, including the title,

page and line of the document supporting the statement.

Failure of the movant to follow this procedure in all respects will result in the denial of the motion. Respondent's failure to comply will result in the Court's considering the motion as uncontested.

11. If agreeable to both parties, counsel for plaintiff shall telephone Chambers to schedule a settlement conference with a Magistrate Judge. Plaintiff's counsel shall promptly advise the court of settlement of the case.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Berle M. Schiller', is written over a horizontal line.

Berle M. Schiller, J.